

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2008-002

**Re: Application of Tennessee Gas Pipeline Company for a Certificate of
Site and Facility for the Concord Lateral Expansion Project.**

**REPORT OF PRE-HEARING CONFERENCE
(Issued August 26, 2008)**

An informal Pre-Hearing Conference was held in the above entitled docket on Friday July 11, 2008 at the New Hampshire Public Utilities Commission's Livingston Conference Room. Notice of this conference was published in the Manchester Union Leader, the Nashua Telegraph and the Concord Monitor as part of the more extensive notices about the upcoming Public Information Hearings in this docket.

Agenda

The meeting commenced at 10 A.M. Present were Donald Pfundstein, counsel to Tennessee Gas Pipeline Company, Senior Assistant Attorney General Peter Roth, Public Counsel in this docket and myself. Mr. Roth was also accompanied by a paralegal from the Department of Justice, Manuela Perry. I provided all parties with an agenda for the conference and a copy of that agenda is attached hereto.

Identification of Possible Parties, Intervenors, and/or Participants

It was noted that, to date, there have been no motions filed seeking intervention in the docket. The Committee has received one letter in the nature of public comment concerning noise issues from a Ms. Desrosiers who lives in Windham but in close proximity to the project site. Mr. Pfundstein reported that the FERC process concerning this project is drawing to a close. He reports that Ms. Desrosiers as well as the condominium association from the nearby Whispering Pines Condominium participated at FERC.

Identification of State Agency Participation and Issues

It was noted that all permits required for this project appear to fall within the auspices of the Department of Environmental Services (DES).

Air Permit. The Applicant continues to pursue an Air Permit. It seems that the Division of Air Resources is proceeding in the normal course. (After the Pre-Hearing

Conference, by mail, I learned that DES has issued a draft Temporary Air Permit for the project. A copy is attached to this Report.)

Alteration of Terrain Permit. Mr. Pfundstein reported that the Applicant has provided the additional information requested by the DES Water Division pertaining to the Alteration of Terrain Permit. That material should also be filed with the Committee.

Subsurface Waste Permit. It was noted that DES has already approved the septic system for the proposed site.

Division of Historical Resources. By letter dated July 9, 2008, the Division of Historical Resources (DHR) has reported to Attorney Iacopino that they have been involved in this project since August 2007 and formally signed off on the project in May 2008. A copy of this correspondence was provided to Mr. Pfundstein and Mr. Roth. A copy is also attached to this report.

Identification of Municipal and Regional Planning Commission Participation and Issues

To date neither the City of the Concord nor the Town of Pelham has responded to Attorney Iacopino's letter inviting comments/participation. Likewise, neither the Nashua Regional Planning Commission nor the Central New Hampshire Regional Planning Commission has responded.

Scheduling Issues

The next area of discussion was scheduling. Scheduling issues can be broken into two categories: Scheduling of adjudicatory hearings and the scheduling of discovery and technical sessions.

Discovery/Technical Sessions. Public Counsel reported that he felt that he would not have sufficient command of the filing to determine his discovery needs until approximately late August, 2008. He indicated that he may need to employ an expert but at this point was not sure. At that time he would also know the extent of his need to propound data requests. It was suggested that technical sessions with the Applicant's witnesses and the Applicant's noise consultant could occur in early September, 2008, further informing Public Counsel's decision whether he needed to employ an independent expert/consultant. Discussion revealed that one or two of these sessions should be scheduled for early September with flexibility for scheduling further sessions if necessary.

Hearings. Although the Applicant was hoping to schedule adjudicatory hearings for September, 2008, a consensus was reached that we should target the middle of November for adjudicatory hearings in this matter. Both the Applicant and Public Counsel expressed hope that the Docket could be concluded by the end of December, 2008.

Discussion Concerning Substantive Issues

The following substantive areas were discussed at the conference:

Noise – Both Sites. While it was anticipated that noise would be a concern to be addressed at the Pelham site, Public Counsel also inquired whether there would be any increased noise at the Concord site. Mr. Pfundstein indicated that he would check in to that question and provide an answer to Mr. Roth.

Re-Configuration of Concord Piping. There was discussion regarding the re-configuration of the piping at the Concord facility and the extent of the construction that would be required. Sample issues were whether all of the construction would occur within the fencing on the site or whether any road construction would be necessary. Mr. Pfundstein indicated that he would check report back on that issue.

Safety Issues. Public Counsel requested more information concerning safety issues such as fire suppression at both site. Additionally there was discussion as to whether or not the new piping at either facility or any portion of the existing lateral pipeline would be inspected and whether any such inspection would be accomplished by “pigging” any portion of the pipeline. Mr. Pfundstein again indicated that he would look into the issue.

Emissions. There was also discussion about blow-off emissions at both sites, aside from air permit issues. The question arose as to whether or not pressure released gases would be burned of at the site and how that would be accomplished.

Aesthetics. Mr. Pfundstein reported that the Pelham facility is in an industrially zoned area and abutted by a property that apparently stores tractor-trailer containers.

Conclusion

In the absence of further intervention the parties reasonably believe that the following constitutes a reasonable schedule for the balance of this docket:

Late August 2008. Public Counsel should be able to determine the extent of discovery and experts that may be necessary to his investigation of the matter. Public counsel should address these issues –particularly if experts are required – with counsel for the Applicant.

Early September 2008. Two technical sessions should be scheduled as an opportunity for the Applicant’s witnesses and consultants to answer questions or address issues raised by Public Counsel. Data Requests, if necessary should be propounded shortly thereafter. (Through later telephone and e-mail discussion it was

determined that at least one full technical session should be solely related to the noise issue.)

Late September, 2008. Public Counsel should identify experts if any.

Early October, 2008. Further technical sessions, if necessary, will be scheduled, if appropriate. Answers to data requests should be delivered.

Mid October, 2008. Public Counsel should file pre-filed testimony, if necessary. The Applicant should propound data requests, if any.

Late October/Early November, 2008. Public Counsel should deliver answers to data requests. A final pre-trial conference should be held to identify all issues which can be stipulated and identify all contested issues. All exhibits and any late pre-filed testimony should be marked at this conference.

Mid- November, 2008. Adjudicatory proceedings.

Late December, 2008. Final Order and Decision on Application.

If this general scheduling is acceptable to Chairman Burack, I will put together a scheduling order with more specific dates and requirements.

If you have any questions pertaining to this Docket please feel free to contact me.



Michael J. Iacopino, Committee Counsel

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